

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Schenk, Dale B.

Application No.: 09/322,289

Filed: May 28, 1999

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Customer No.: 20350

Confirmation No.: 7773

Examiner: Kolker, Daniel E.

Art Unit: 1649

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER
37 CFR §1.97 and §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In compliance with the requirements of 37 CFR §1.98(a)(2), copies of the foreign patent document cite numbers 1151, 1152, 1173 – 1190, 1206, 1220 – 1240, 1244, 1249, 1250, 1251, 1257 – 1259, 1267, 1270, 1271, 1274, 1276, and 1285 are enclosed. Copies of the non patent literature cite numbers 1156 – 1159, 1161 – 1165, 1167, 1171, 1172, 1191, 1193, 1194, 1198 – 1205, 1207, 1208, 1213, 1214, 1218, 1219, 1226, 1229 – 1235, 1241, 1243, 1245 – 1248, 1252 – 1256, 1260 – 1265, 1268, 1269, 1272, 1273, 1279, and 1281 – 1284 are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the “references cited” on any patent to issue therefrom.

I. Commonly Owned Copending Applications & Issued Patents

Applicant also cites the following copending applications and issued patents, which are directed to related subject matter and are commonly owned or under an assignment obligation to be commonly owned:

09/201,430 filed 11/30/98; issued as U.S. 6,787,523 on 09/07/04;
09/322,289 filed 05/28/99;
09/580,018 filed 05/26/00; issued as U.S. 6,761,888 on 07/13/04;
09/723,384 filed 11/27/00; issued as U.S. 6,710,226 on 03/23/04;
09/723,762 filed 11/28/00; issued as U.S. 6,787,144 on 09/07/04;
09/723,765 filed 11/28/00; issued as U.S. 7,588,766 on 09/15/09;
09/723,927 filed 11/28/00; issued as U.S. 6,787,138 on 09/07/04;
09/724,102 filed 11/28/00; issued as U.S. 6,787,139 on 09/07/04;
09/724,288 filed 11/28/00; issued as U.S. 7,575,880 on 08/18/09;
09/724,319 filed 11/27/00;
09/724,477 filed 11/28/00; issued as U.S. 6,787,143 on 09/07/04;
09/724,489 filed 11/28/00; issued as U.S. 6,787,140 on 09/07/04;
09/724,551 filed 11/28/00; issued as U.S. 6,787,637 on 09/07/04;
09/724,552 filed 11/28/00; issued as U.S. 6,750,324 on 06/15/04;
09/724,567 filed 11/28/00; issued as U.S. 6,890,535 on 05/10/05;
09/724,570 filed 11/28/00; issued as U.S. 6,936,246 on 08/30/05;
09/724,940 filed 11/28/00; issued as U.S. 6,905,686 on 06/14/05;
09/724,953 filed 11/28/00; issued as U.S. 6,875,434 on 04/05/05;
09/724,961 filed 11/28/00; issued as U.S. 6,743,427 on 06/01/04;
09/979,952 filed 04/09/02 (U.S. National Stage of PCT/US00/15239 filed 06/01/00);
issued as U.S. 6,913,745 on 07/05/05;
10/429,216 filed 05/30/03;

10/583,464 filed 01/16/07 (U.S. National Stage of PCT/US04/042701 filed 12/17/04);
10/777,792 filed 02/11/04;
10/815,353 filed 03/31/04; issued as U.S. 6,808,712 on 10/26/04;
10/815,391 filed 03/31/04; issued as U.S. 6,866,849 on 03/15/05;
10/815,404 filed 03/31/04; issued as U.S. 6,982,084 on 01/03/06;
10/816,022 filed 03/31/04; issued as U.S. 6,866,850 on 03/15/05;
10/816,380 filed 03/31/04; issued as U.S. 7,014,855 on 03/21/06;
10/816,529 filed 03/31/04; issued as U.S. 6,818,218 on 11/16/04;
10/884,892 filed 07/01/04; issued as U.S. 6,962,707 on 11/08/05;
10/923,469 filed 08/20/04;
10/923,471 filed 08/20/04;
10/933,559 filed 09/02/04; issued as U.S. 6,972,127 on 12/06/05;
10/934,609 filed 09/02/04; issued as U.S. 6,946,135 on 09/20/05;
11/244,678 filed 10/05/05;
11/245,524 filed 10/07/05;
11/245,916 filed 10/07/05;
11/342,252 filed 01/27/06;
11/455,203 filed 06/16/06;
11/842,085 filed 08/20/07;
11/842,113 filed 08/20/07; and
11/842,116 filed 08/20/07.

II. Copending Applications & Issued Patents Subject to Different Assignment

Applicant also cites the following copending applications and issued patents, which are directed to related subject matter but subject to different assignment:

10/010,942 filed 12/06/01; issued as U.S. 7,189,819 on 03/13/07;
10/232,030 filed 08/30/02; issued as U.S. 7,582,733 on 09/01/09;
10/388,214 filed 03/12/03; issued as U.S. 7,256,273 on 08/14/07;
10/388,389 filed 03/12/03; issued as U.S. 7,179,892 on 02/20/07;
10/544,093 filed 08/01/05 (U.S. National Stage of PCT/US04/02856 filed 01/31/04);
10/583,503 filed 06/16/06;
10/858,855 filed 06/01/04;
11/303,478 filed 12/15/05;
11/304,986 filed 12/15/05; issued as U.S. 7,625,560 on 12/01/09;
11/342,353 filed 01/27/06; issued as U.S. 7,635,473 on 12/22/09
11/454,772 filed 06/16/06;
11/520,438 filed 09/12/06;
11/664,865 filed 10/06/05;
11/707,639 filed 02/16/07;
11/841,919 filed 08/20/07;
11/841,993 filed 08/20/07;
11/842,023 filed 08/20/07;
11/842,042 filed 08/20/07;
11/893,123 filed 08/13/07;
12/037,045 filed 02/25/08;
12/181,238 filed 07/28/08;
12/253,929 filed 10/17/08;

12/297,636 filed 10/17/08

12/738,396 filed (unassigned) (U.S. National Stage of PCT/US08/80382 filed
10/17/08)

61/308,253, filed 02/25/2010; and

61/327,062, filed 04/22/2010.

III. Commonly Owned Abandoned or Expired Applications

Applicant further cites the following commonly owned abandoned or expired applications, which are directed to related subject matter and are commonly owned or under an assignment obligation to be commonly owned:

09/204,838 filed 12/03/98;

09/497,553 filed 02/03/00;

09/579,690 filed 05/26/00;

09/580,015 filed 05/26/00;

09/580,019 filed 05/26/00;

09/585,656 filed 06/01/00;

09/723,544 filed 11/28/00;

09/723,713 filed 11/27/00;

09/723,725 filed 11/27/00;

09/723,760 filed 11/27/00;

09/723,766 filed 11/27/00;

09/724,273 filed 11/28/00;

09/724,291 filed 11/28/00;

09/724,495 filed 11/27/00;

09/724,575 filed 11/28/00;

09/724,921 filed 11/28/00;

09/724,929 filed 11/28/00;

09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00);
09/980,568 filed 03/12/02 (U.S. National Stage of PCT/US00/15302 filed 06/01/00);
10/788,666 filed 02/27/04;
10/822,968 filed 04/12/04;
10/823,463 filed 04/12/04;
10/828,548 filed 04/19/04;
10/889,999 filed 04/12/04;
10/890,000 filed 07/12/04;
10/890,024 filed 04/12/04;
10/890,070 filed 07/12/04;
10/890,071 filed 07/12/04;
10/923,267 filed 08/20/04;
10/923,474 filed 08/20/04;
10/923,605 filed 08/20/04;
10/928,926 filed 08/27/04;
10/934,818 filed 09/02/04;
10/934,819 filed 09/02/04;
11/058,757 filed 02/14/05;
11/108,102 filed 04/15/05;
11/396,391 filed 03/30/06;
11/842,101 filed 08/20/07;
11/842,120 filed 08/20/07;
11/894,665 filed 08/20/07;
60/067,219 filed 12/03/97;
60/067,740 filed 12/02/97;
60/079,697 filed 03/27/98;

60/080,970 filed 04/07/98;
60/136,655 filed 05/28/99;
60/137,010 filed 06/01/99;
60/137,047 filed 06/01/99;
60/530,480 filed 12/17/03; and
60/648,639 filed 01/28/05.

IV. Abandoned or Expired Applications Subject to Different Assignment

Applicant also cites the following abandoned or expired applications, which are directed to related subject matter but subject to different assignment:

10/703,713 filed 11/07/03;
10/704,070 filed 11/07/03;
10/771,174 filed 02/04/04;
10/789,273 filed 02/27/04;
11/260,047 filed 10/26/05;
11/304,072 filed 12/15/05;
11/305,889 filed 12/15/05;
11/305,899 filed 12/15/05;
11/396,417 filed 03/30/06;
11/413,638 filed 04/28/06;
11/516,724 filed 09/05/06;
11/841,794 filed 08/20/07;
11/841,832 filed 08/20/07;
11/841,849 filed 08/20/07;
11/841,857 filed 08/20/07;
11/841,882 filed 08/20/07;

11/841,897 filed 08/20/07;
11/841,950 filed 08/20/07;
11/842,056 filed 08/20/07;
11/893,094 filed 08/13/07;
11/893,103 filed 08/13/07;
11/893,110 filed 08/13/07;
11/894,714 filed 08/20/07;
11/894,754 filed 08/20/07;
11/894,789 filed 08/20/07;
60/251,892 filed 12/06/00;
60/363,751 filed 03/12/02;
60/444,150 filed 02/01/03;
60/474,654 filed 05/30/03;
60/530,481 filed 12/17/03;
60/616,474 filed 10/05/04;
60/622,525 filed 10/26/04;
60/636,684 filed 12/15/04;
60/636,687 filed 12/15/04;
60/636,776 filed 12/15/04;
60/636,810 filed 12/15/04;
60/636,842 filed 12/15/04;
60/637,138 filed 12/16/04;
60/637,253 filed 12/16/04;
60/648,631 filed 01/28/05;
60/691,821 filed 06/17/05;

60/735,687 filed 11/10/05;
60/736,045 filed 11/10/05;
60/736,119 filed 11/10/05;
60/793,014 filed 04/18/06.
60/999423 filed 10/17/07;
60/999,423 filed 10/17/07; and
60/083,827 filed 07/25/08.

Applicant understands the Examiner can access papers from the prosecution of the cited cases electronically via PALM. However, if the Examiner has difficulty obtaining papers from that source he or she is invited to call the undersigned who will be happy to supply them.

V. European Oppositions

Applicant notes that oppositions have been filed against European Patent Nos. EP 1 033 996, EP 1 679 080, and EP 1 690 547, which are commonly owned, directed to related subject matter, and correspond to the following U.S. Applications and/or U.S. Patents:

09/201,430 filed on 11/30/98; issued as US 6,787,523 on 09/07/04;
09/497,553 filed on 02/03/00 now abandoned;
09/724,477 filed on 11/28/00; issued as US 6,787,143 on 09/07/04;
09/723,927 filed on 11/28/00; issued as US 6,787,138 on 09/07/04;
09/723,762 filed on 11/28/00; issued as US 6,787,144 on 09/07/04;
09/724,102 filed on 11/28/00; issued as US 6,787,139 on 09/07/04;
09/724,489 filed on 11/28/00; issued as US 6,787,140 on 09/07/04;
10/816,022 filed on 03/31/04; issued as US 6,866,850 on 03/15/05;

10/816,529 filed on 03/31/04; issued as US 6,818,218 on 11/16/04;
10/815,391 filed on 03/31/04; issued as US 6,866,849 on 03/15/05;
10/815,353 filed on 03/31/04; issued as US 6,808,712 on 10/26/04;
10/816,380 filed on 03/31/04; issued as US 7,014,855 on 03/21/06;
10/815,404 filed on 03/31/04; issued as US 6,982,084 on 01/03/06;
10/884,892 filed on 07/01/04; issued as US 6,962,707 on 11/08/05;
10/934,818 filed on 09/02/04 now abandoned;
11/108,102 filed on 04/15/05 now abandoned;
11/245,524 filed on 10/07/05;
10/934,609 filed on 09/02/04; issued as US 6,946,135 on 09/20/05;
11/245,916 filed on 10/07/05;
10/933,559 filed on 09/02/04; issued as US 6,972,127 on 12/06/05;
10/934,819 filed on 09/02/04 now abandoned; and
11/894,665 filed on 08/20/07 now abandoned.

EP 1 033 996

EP 1 033 996 has been opposed by a single opponent. The following table correlates the opposition reference nos. with the IDS cite nos. and provides the filing date of the corresponding IDS in the instant application. The opposition is ongoing.

All papers in the opposition can be viewed online at the European Patent Office at <http://www.epoline.org/portal/public/registerplus> or can be provided on request.

Opposition of EP 1 033 996		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	1200	Cited by this submission
D2	194	08/20/2001
D3	173	08/20/2001
D4	47	08/20/2001
D5	159	04/06/2000
D6	1201	Cited by this submission
D7	1202	Cited by this submission
D8	1203	Cited by this submission
D9	1204	Cited by this submission
D10	1206	Cited by this submission
D11	931	03/11/2008
D12	1205	Cited by this submission
D13	1207	Cited by this submission
D14	1208	Cited by this submission
D15	857	04/16/2007
D16	839	04/16/2007
D17	840	04/16/2007
D18	841	04/16/2007
D19	160	04/06/2000
D20	607	08/15/2005

EP 1 679 080

EP 1 679 080 has been opposed by a five opponents, Opponents 1-5. The following tables correlate the opposition reference nos. with the IDS cite nos. and provides the filing date of the corresponding IDS in the instant application, respectively, for Opponents 1-5. The opposition is ongoing.

All papers in the opposition can be viewed online at the European Patent Office at <http://www.epoline.org/portal/public/registerplus> or can be provided on request.

Opponent 1 - EP 1 679 080 Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	518	04/28/2005
D2	159	04/06/2000
D3	1225	Cited by this submission
D4	1226	Cited by this submission
D5	82	08/25/2000
D6	612	08/15/2005

Opponent 2 - EP 1 679 080 Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	1200	Cited by this submission
D2	1233	Cited by this submission
D3	47	08/20/2001
D4	1203	Cited by this submission
D5	194	08/20/2001
D6	173	08/20/2001

Opponent 2 - EP 1 679 080		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D7	159	04/06/2000
D8	1201	Cited by this submission
D9	160	04/06/2000
D10	182	08/20/2001
D11	1234	Cited by this submission

Opponent 3 - EP 1 679 080		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	279	08/01/2002
D2	275	08/01/2002
D3	815	04/16/2007
D4	816	04/16/2007
D5	817	04/16/2007
D6	173	08/20/2001
D7	34	07/26/1999
D8	86	08/25/2000
D9	85	08/25/2000
D10	82	08/25/2000
D11	517	04/28/2005

Opponent 4 - EP 1 679 080		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	47	08/20/2001
D2	1227	Cited by this submission
D3	1228	Cited by this submission
D4	159	04/06/2000
D5	40	08/25/2000
D6	1229	Cited by this submission
D7	173	08/20/2001
D8	1230	Cited by this submission
D9	1231	Cited by this submission
D10	1232	Cited by this submission

Opponent 5 - EP 1 679 080		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	1235	Cited by this submission
D2	82	08/25/2000
D3	1236	Cited by this submission
D4	1237	Cited by this submission
D5	1285	Cited by this submission
D6	1238	Cited by this submission
D7	1239	Cited by this submission
D8	1240	Cited by this submission
D9	917	03/11/2008

Opponent 5 - EP 1 679 080		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D10	86	08/25/2000
D11	1241	Cited by this submission
D12	1242	Cited by this submission
D13	1243	Cited by this submission

EP 1 690 547

EP 1 690 547 has been opposed by a four opponents, Opponents 1-4. The following tables correlate the opposition reference nos. with the IDS cite nos. and provides the filing date of the corresponding IDS in the instant application, respectively, for Opponents 1-4. The opposition is ongoing.

All papers in the opposition can be viewed online at the European Patent Office at <http://www.epoline.org/portal/public/registerplus> or can be provided on request.

Opponent 1 - EP 1 690 547		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	518	04/28/2005
D2	159	04/06/2000
D3	40	08/25/2000
D4	1226	Cited by this submission
D5	350	06/02/2003
D6	509	04/28/2005
D7	612	08/15/2005

Opponent 2 - EP 1 690 547		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	1233	Cited by this submission
D2	902	10/30/2007
D3	1245	Cited by this submission
D4	518	04/28/2005
D5	1246	Cited by this submission
D6	66	8/25/2000
D7	1247	Cited by this submission
D8	82	08/25/2000
D9	1248	Cited by this submission
D10	159	04/06/2000
D11	1201	Cited by this submission

Opponent 3 - EP 1 690 547		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	66	08/25/2000
D2	1252	Cited by this submission
D3	1253	Cited by this submission
D4	160	04/06/2000
D5	1254	Cited by this submission

Opponent 4 - EP 1 690 547		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	82	08/25/2000
D2	66	08/25/2000
D3	40	08/25/2000
D4	1249	Cited by this submission
D5	814	04/16/2007
D6	1243	Cited by this submission
D7	86	08/25/2000
D8	1241	Cited by this submission
D9	173	08/20/2001
D10	1240	Cited by this submission
D11	1243	Cited by this submission
D12	917	03/11/2008
D13	1250	Cited by this submission
D14	1251	Cited by this submission

EP 1 185 298

Applicant also notes that an opposition has been filed against European Patent No. EP 1 185 298. EP 1 185 298 is commonly owned, directed to related subject matter, and corresponds to the following U.S. Applications and/or U.S. Patents:

09/580,015 filed 05/26/00 now abandoned;

09/724,940 filed 11/28/00; issued as U.S. 6,905,686 on 06/14/05;

09/724,961 filed 11/28/00; issued as U.S. 6,743,427 on 06/01/04;
09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00) ,
now abandoned;
10/823,463 filed 04/12/04 now abandoned;
11/058,757 filed 02/14/05 now abandoned;
11/396,391 filed 03/30/06 now abandoned;
09/580,018 filed 05/26/00; issued as U.S. 6,761,888 on 07/13/04;
09/724,552 filed 11/28/00; issued as U.S. 6,750,324 on 6/15/04;
09/723,544 filed 11/28/00 now abandoned;
09/724,273 filed 11/28/00 now abandoned;
09/724,551 filed 11/28/00; issued as U.S. 6,787,637 on 09/07/04;
09/724,288 filed 11/28/00;
10/777,792 filed 02/11/04;
10/890,024 filed 04/12/04 now abandoned;
10/889,999 filed 04/12/04 now abandoned;
10/890,000 filed 07/12/04 now abandoned;
09/580,019 filed 05/26/00 now abandoned;
09/723,765 filed 11/28/00; issued as U.S. 7,588,766 on 09/15/09;
09/724,291 filed 11/28/00 now abandoned;
10/822,968 filed 04/12/04 now abandoned;
11/842,116 filed 08/20/07; and
11/842,120 filed 08/20/07 now abandoned.
11/842,113 filed 08/20/07;
11/842,101 filed 08/20/07 now abandoned; and
11/842,085 filed 08/20/07.

EP 1 185 298 has been opposed by a single opponent. The following table correlates the opposition reference nos. with the IDS cite nos. and provides the filing date of the corresponding IDS in the instant application. The opposition is ongoing.

All papers in the opposition can be viewed online at the European Patent Office at <http://www.epoline.org/portal/public/registerplus> or can be provided on request.

Opposition of EP 1 185 298		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	58	08/20/2001
D2	159	04/06/2000
D3	518	04/28/2005

EP 1 033 998

Applicant notes that an opposition was filed against European Patent No. EP 1 033 998. The opposition proceedings against EP 1 033 998 have been concluded, and the patent is maintained unamended. EP 1 033 998 is commonly owned, directed to related subject matter, and corresponds to abandoned U.S. Application Nos. 09/204,838 filed 12/03/98, 09/724,921 filed 11/28/00, and 09/724,929 filed 11/28/00.

All papers in the opposition can be viewed online at the European Patent Office at <http://www.epoline.org/portal/public/registerplus> or can be provided on request.

Opposition of EP 1 033 998		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D1	760	04/16/2007
D2	761	04/16/2007
D3	57	07/26/1999

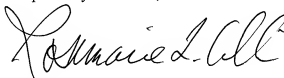
Opposition of EP 1 033 998		
Opposition Reference No.	IDS Cite No.	IDS Filing Date
D4	58	08/20/2001
D5	762	04/16/2007
D6	763	04/16/2007
D7	47	08/20/2001
D8	66	08/25/2000
D9	274	08/01/2002
D10	265	04/16/2007
D11	766	04/16/2007
D12	517	04/28/2005
D13	61	07/30/1999
D14	182	08/20/2001
D15	160	04/06/2000
D16	159	04/06/2000
D17	621	08/15/2005
D18	65	08/25/2000
D19	767	04/16/2007
D20	768	04/16/2007
D21	769	04/16/2007
D22	156	07/26/1999

VI. Conclusion

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rosemarie L. Celli". The signature is fluid and cursive, with the first name being the most prominent.

Rosemarie L. Celli
Reg. No. 42,397

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62729524 v1